

Message Text

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51

ACTION EA-10

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TO SECSTATE WASHDC 8791

INFO AMEMBASSY JAKARTA

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LIMITED OFFICIAL USE KUALA LUMPUR 0230

E.O. 11652: N/A

TAGS: PINT MY

SUBJ: DAP MP CONVICTED OF SEDITION

1. SUMMARY: DAP MEMBER OF PARLIAMENT FAN YEW TENG WAS CONVICTED TODAY ON CHARGE OF SEDITION STEMMING FROM INCIDENT IN 1970. IN ADDITION TO FINE OF M\$2,000 HE WILL BE SUSPENDED FROM PARLIAMENT AND FROM THE SELANGOR STATE ASSEMBLY. TRIALS OF OTHER DAP OFFICE HOLDERS AND UNSUCCESSFUL CANDIDATES ARE CURRENTLY IN VARIOUS STAGES OF PREPARATION. THIS VERDICT AND OTHER SUCH ACTIONS WILL HAVE EFFECT OF DISCOURAGING LEGAL ROUTE OF OPPOSING GOVERNMENT. END SUMMARY.

2. DEMOCRATIC ACTION PARTY (DAP) MP FAN YEW TENG WHO CONCURRENTLY A MEMBER OF SELANGOR STATE ASSEMBLY WAS FOUND GUILTY JAN 13 OF SEDITION AND FINED MALAYSIAN \$2,000 (APPROX US \$850). FAN PRESUMABLY WILL BE SUSPENDED FROM PARLIAMENT AND ASSEMBLY FOR PERIOD OF 5 YEARS FROM DATE OF CONVICTION UNDER RULES OF THOSE TWO BODIES, ALTHOUGH TRIAL JUDGE QUESTIONED DEFENSE CONTENTION THAT THIS WAS AUTOMATIC. (IN PLEA FOR MITIGATION PRIOR TO SENTENCING DEFENSE ATTORNEY HAD RAISED POINT THAT THIS WOULD DEPRIVE FAN'S CONSTITUENCIES OF THEIR DULY ELECTED REPRESENTATIVE).

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3. CHARGE STEMMED FROM FAN'S PRINTING (IN HIS CAPACITY AS EDITOR OF DAP JOURNAL) SPEECH GIVEN IN 1970 COMMEMORATING RELEASE FROM DETENTION OF DAP SECRETARY-GENERAL LIM KIT SIANG. FAN ORIGINALLY FOUND GUILTY ON SAME CHARGE IN DECEMBER 1970, BUT CASE WAS SENT BACK TO THE COURT BY THE PRIVY COUNCIL IN LONDON ON A TECHNICALITY. FOLLOWING THIS CONVICTION FAN STILL HAS POSSIBILITY OF APPEAL TO FEDERAL COURT AND TO PRIVY COUNCIL. FAN'S DEFENSE ATTORNEY INDICATED HE WOULD APPEAL.

4. COMMENT: ANOTHER DAP MP, OH KENG SENG, IS CURRENTLY ON TRIAL FOR SEDITION. HIS CASE STEMS FROM A SPEECH HE GAVE AT A PUBLIC RALLY IN JUNE 1972, AND HIS CHANCES OF BEING FOUND INNOCENT ARE CONSIDERED POOR. GOM IS RELIABLY REPORTED TO BE CONSIDERING LEGAL CHALLENGES TO OTHER SUCCESSFUL AND UNSUCCESSFUL DAP CANDIDATES IN CASES STEMMING FROM AUGUST GENERAL ELECTION. AS POINTED OUT BY DEFENSE COUNSEL IN SPEECH BEFORE COURT TODAY, FAN (AND THE DAP) REPRESENT A SEGMENT OF THE BODY POLITIC WHICH THE GOVERNMENT IGNORES AT ITS OWN RISK. RESULT OF THIS TRIAL AND OTHER TRIALS IS LIKELY TO HAVE EMBITTERING EFFECT ON LEGAL OPPOSITION, AND COULD CONVINCE OPPOSITIONISTS OF FUTILITY OF PARLIAMENTARY ROUTE. AS FAN'S YOUNGER BROTHER, WHO IS ALSO AN MP, SAID TO THE REPORTING OFFICER IMMEDIATELY AFTER THE VERDICT HAD BEEN ANNOUNCED, "THIS IS DEMOCRACY MALAYSIAN STYLE." END COMMENT.
UNDERHILL

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